

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

AB-845X

CHS HOLDINGS, INC. - ABANDONMENT EXEMPTION - IN PEMBINA COUNTY, ND

BACKGROUND

In this proceeding, the CHS Holdings (CHS) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of its railroad line located between Milepost 177.44 and the end of the line at Milepost 179.55, for a distance of 2.11 miles in Joliette 58271, Pembina County, North Dakota. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

Applicant states that the purpose of the filing is to change its common carrier railroad to a proprietary one.

Contacts and Procedures

The railroad has submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage¹ and disposition of the right-of-way. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated the record in this proceeding. Also, we have consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included of Natural Resources Conservation Service, State Historic Preservation Officer, National Park Service, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Department of Agriculture, Public Service Commission, and National Geodetic Survey.

¹Defined as removal of track and ties

ENVIRONMENTAL REVIEW

Land Use

The tracks, ties and other track materials, as well as all other structures along the railroad line proposed for abandonment, are not intended to be removed; rather, following the abandonment, if authorized by the Board, the line simply will change from common carrier line to a proprietary line

Transportation

The line has been used largely to serve a single shipper, Cenex Harvest States cooperatives (Cenex), the owner of CHS. Cenex states that it will continue to serve the adjacent facility of J.R. Simplot Company.

The proposed abandonment would not result in an increase in highway traffic and, therefore, would not jeopardize the safety of the traveling public.

Air and Noise Quality

Air

No diversion of traffic from rail to truck transportation will occur as a result of the proposed abandonment, and , therefore, no significant impact on air quality would occur.

Noise

There would not be an increase of truck traffic of more than ten percent of the average daily traffic or fifty vehicles per day on any affect segment, and , therefore, no significant increase in noise would result.

Wetlands and Water Quality

The proposed abandonment is not anticipated to have any effect upon Federal, state or local water quality standards.

Biological Resources

The proposed abandonment would not adversely affect endangered or threatened species or areas designated as critical habitat.

Cultural and Historic Resources

The State Historical Society of North Dakota advises by letter of October 18, 2002, that it concurs with a the determination that “no historic properties”would be affected if the proposed abandonment takes place in the legal description provided by the Applicant, and that no trestles,

bridges, or other structures over 50 years of age are within the Area of Potential Affect.

The National Geodetic Survey (NGS) has identified two geodetic station markers, A-59 and Z-58 on the line. NGS states that if there are any planned activities which could disturb or destroy these markers, NGS requires not less than 90 days notification in advance of such activities in order to plan for their relocation.

CONDITIONS

The SEA recommends that the following condition be placed on any decision granting abandonment authority:

The National Geodetic Survey (NGS) has identified two geodetic station markers, A-59 and Z-58 on the line. NGS states that if there are any planned activities which could disturb or destroy these markers, NGS requires not less than 90 days notification in advance of such activities in order to plan for their relocation. CHS shall notify NGS of any activities that would affect these station markers 90 days prior to any activities that would affect these markers.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and any salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice. CHS advises that the line would not be salvaged.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Room 848, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Phillis Johnson-Ball, who prepared this environmental assessment. **Please refer to Docket No. AB-845X in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Phillis Johnson-Ball at (202) 565-1530.

Date made available to the public: 1/24/03.

Comment due date: 2/23/03.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment



MAP OF

JOLIETTE



TOWNSHIP: 162 N

REPLACES ATLAS CO. INC. COPYRIGHT 1916

RANGE: 50 & 51 W

CODE: JM (EAST)
JL (WEST)

